

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

QUINDON M. YELDER,

Plaintiff,

vs.

LLOYD J. AUSTINIII, Secretary of Defense;

Defendant.

8:21CV320

ORDER

This matter is before the Court on Plaintiff's motion for appointment of counsel. ([Filing No. 3](#).) The motion will be denied.

"Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#). Trial courts have "broad discretion to decide whether both the [indigent litigant] and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the [indigent litigant's] ability to investigate the facts and present his claim." *Id.* Having considered these factors, the Court finds that appointment of counsel is not warranted at this time.

Accordingly,

IT IS ORDERED that Plaintiff's motion for appointment of counsel ([Filing No. 3](#)) is denied.

Dated this 29th day of September, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge